

REMARKS

Summary

Claims 1-4, 6-9, and 20-28 are pending. Claims 5 and 10-19 are cancelled, claims 1-2 and 6-9 are amended, and claims 20-28 are added. No new matter is added. Applicants reserve the right to file one or more divisional applications directed to any nonelected subject matter.

Please note that claim 19 was not mentioned in the Office Action, but it is part of the nonelected subject matter, and has been cancelled herein.

Claim Objections

Claims 6-7 are objected to for containing improper language. Claims 6-7 have been amended herein to address the objectionable language. Thus, Applicants respectfully request reconsideration and withdrawal of the objection.

112 Rejection of Claim 5

Claim 5 is rejected under 35 USC 112, second paragraph, as being indefinite. Claim 5 has been cancelled herein thus obviating the rejection. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

102(b) Rejection of Claims 1-9

Claim 1 is rejected under 35 USC 102(b) as being unpatentable over US Patent No. 4,703,756 to Gough (Gough). Applicants respectfully traverse the rejection in light of the amendments to the claims and the remarks below.

Claim 1 recites an indwelling analyte sensor, comprising an electrochemically active surface; at least one nub of dielectric material extending outwardly from said electrochemically active surface; and a membrane system adhering to, and substantially covering, said electrochemically active surface and said nub. Gough fails to teach or suggest every element of claim 1.

Gough provides a sensor module having a housing within which is housed electrodes partially encased in glass. At the terminal portion of the glass casings, may

be found a hydrophobic membrane. In addition, at the terminal portion of the hydrophobic membrane may be found a glucose oxidase – albumin membrane.

However, nowhere in Gough is there a teaching or suggestion of a membrane system adhering to, and substantially covering, both an electrochemically active surface and a nub. As is clearly shown from Figures 3, 4, and 5 of Gough, the two membranes discussed are only located at the terminal end of the electrodes and the tip of the insulating material.

Thus, Gough fails to teach at least one feature of claim 1, and therefore, claim 1 is patentable over Gough.

Claims 2-4, 6-9, and 20-28 depend directly or indirectly on claim 1, incorporating the features of claim 1. Therefore, as claim 1 is patentable over Gough, so are claims 2-4, 6-9, and 20-28, by virtue of at least their dependency.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-4, 6-9, and 20-28 are in condition for allowance, and early issuance of the Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2844. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
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